A Collection

App. F. IX-4

Previous References
(.12-34 (43,44,45)

1937.
(Legis.)

File No. 1903
Serial Nos.

Letter Refere

GENERAL AND REVENUE SECRETARIAT.

Part B for March, 19

SUBJECT

Royal assent to Acts. 1) The Bills to amend the City and Town Municipalities Acts.

To The Compiler, Rolls

No. p. 4628 of 9.2.38.

WD 0295—GPB—22,500—13-8-37

Ordered that the Acts to amend the Imperial City Municipalities Act, 1933 and the Imperial Town Municipalities Act, 1933, be published as Acts No. I and II of 1938. The Imperial Gazette

Transfers of officials of the Bangalore city Municipality

4867
—L

(1)

General and Revenue Secretariat | Ml File No. 139 of 1935 | [App. F. III—2

Serial No.

28 Letter No. E6-1719/34-35 dated 20-4-36 from the Municipal Commissioner, Bangalore forwarding the resolution of the Municipal Council that the initiative for the transfer of Municipal officials should be with the Municipa and that the order appointing the Rev. Comm to take action in this behalf is against the provisions of the Regulation and that it encroa on the rights of the Municipality and hence that the order be not made applicable to the Bangalore city Municipality=

The ~~fact~~ desirability of transferring the officials of local bodies and of their interchang with those of the Revenue Department once in three years having been accepted, much difficulty was felt in giving effect to this principle for want of a Provincial officer who could take action in this behalf. The Revenu Commissioner was therefore ~~appointed as the officer~~ authorised to take action for transferring the officials who have been in one place for more than 3 years. It is not clear how the orders encroach upon the rights of the Municipal Council as alleged in the resolution. The request that the order be

WD 03594—GPB—30,000—13-7-35

Transfer of officers of the Bangalore city Municipal

MC File No. 159 (486) of 1935 | General and Revenue Secretariat

not made applicable to the Bangalore city Municipality cannot perhaps be complied with. Submitted for orders.

RDM 1/5

2. Please put up the file relating to the G.O. dt. 7-2-36.

1/5

3

The connected file is put up.

RDM 2/5

4. Please note on the point referred to at A on the last page, with reference to the provisions of the City Municipalities Regn & the rules.

5

There seems to be no specific provision in the City Municipalities Regulation giving power to the Bangalore city Municipal Council to transfer officials from and to the Municipality.

6. Sections 49 (b), (d), (e) & (g) of the city Municipalities Regulation only enables the Municipal Council to frame rules for regulating the appointment, grant of leave, punishment etc. but not of transfer of the officers and servants of the Municipality. It may be stated in this connection that the Municipal council have not framed any rules in this behalf.

The orders of Govt issued for the trans-

Transfer may perhaps be provided under clause (d) in prescribing conditions of appointment of the officers.

Transfer of officials of the Bangalore & Mysore

General and Revenue Secretariat | Ml File No. 139 4067 of 1935. | [App. F. III—2

Serial No.

of the officials may perhaps be construed as orders issued under Sections 228 (2)(c) and (d) of the Regulation.

Rmr 4/5 7. The Municipal Council may perhaps be informed that Govt do not agree that the order in question is against the provisions of the City Municipal Regns and that their proposal to make it inapplicable to this Municipality cannot be approved.

Rmr 6/5

8 Please consult Law Section (Chepsey)

6-5-36

Lawsen) Rmr 6/5

aw 6/5 The transfer of the Ml. officers is not governed by any specific provision of the City Ml. Regns. Since Govt are the ultimate authority for regulating the service of all officers and servants of the Municipalities under the Regns the order passed in the matter is not against the provisions of the Ml. Regns as alleged

A

I submit

BD 8/5 10. Under which Section has Govt the power stated at A above

Rmr 11/5/36

Please see sec 228 (c)

E.—Contn. Sheet.

WD 6591—GPR—30,000—13-7-35

As regards recruitment, & transfer of officers & servants of the Dt Bds, sec 90 of the Dt Bd Regn gives enough power to Govt to issue the orders of 7th Febr 1936. But as regards the officials of a city or ~~oth~~ town municipality, it is doubtful if sec 228 (c) is sufficient for this purpose. The rules or orders under this section can determine the mode & conditions of appointment or regulate the grant of leave etc. There is no provision under which a person entering service under a particular Municipality which is a Corporation in the eye of law can be transferred to another Municipality or Dt Bd. Such a transfer amounts to a change of the contract of employment itself and unless there is a statutory provision for it, it is incapable of being legally enforced. The question does not arise in the case of officials who are lent from Govt service, because then Govt can at any time withdraw the offl lent & send another.

Asst Secy Lgg
with compts

MC
19.5.36

Please
[illegible] came
the [illegible]
[illegible]
of the [illegible]
[illegible]

Serial No.

N

12 Reference is invited to the G.O. of 19.2.192[illegible] which is the first order on the subject of the employment and transfer of the Officers of local bodies. The notes in the connected file put up ~~[illegible]~~ contain discussion on the several aspects of the question and the whole position is explained in the Members final note dt 4.2.1925.

13 For orders with regd to para 8.

Chief Secy) 26/5

2nd Member)

14 27-5-36.

27/5

CHIEF SECRETARY. 27 MAY 1936

OFFICE OF THE SECOND MEMBER OF COUNCIL 27 MAY 1936 No. 9263

15 It is not intended that the sanctioning Authority, the Dy Comm or Rev Comm as the case may be, should have power to transfer municipal officials, who have lost appeals against the wishes of the local bodies concerned. The mere fact that the President of Municipal Comm should be consulted: Anyway, it is better to frame the first of these cases in the form of rules keeping in view the

NOTE—Contn Sheet.

Transfer of Officials of Revenue Dept

File No. 139 of 1935-36 General and Revenue Secretariat

No The question whether Constituting the officials of local bodies (Municipalities and the City Boards into a separate Cadre or raising the strength of the Revenue Dept Establishment so as to include the officials of local bodies therein is under consideration separately. The opinions received from the Deputy Comrs on the subject have been separately sent to Government for orders. The decision of this question would simplify the framing of rules in this matter

2) At present the Revenue Govt has the authority to effect the transfers of officials referred to in the G.O. dated 7-2-36, belonging to the District Boards and the City Municipalities. In regard to the Town Municipalities also the power of transferring officials outside the District vested in the Revenue Govt vide G.O. dated 25-7-36)

3) Rules have to be issued under the several (different) sections of the District Boards Act, City Municipalities Act and the Town

Serial No.

Town Mths – Sec 201
Munic Mths – Sec 10,
Distt Bds Regn – Sec 10
(new)

any subordinate officer by the Govt
in manner duly noted Section.
But before the power can be
exercised by the Revenue Govt or
any officer subordinate to Govt, Govt
should have that power under the
Statute enabling them to order
transfers of officials of local bodies
from one local body to another and
to Govt departments.

In the Madras Presidency,
under the Madras Act no VII of
1935 (Amendment of Local Boards Act)
and Act no IV of 1935 (Amendment
of the Distt Mths Act), Govt have
power to transfer any officer or
servant of a Local Board to the
service of any other Local Board or
of Govt etc provided that such power
will be exercised after consulting the
local bodies concerned and the Govt
will shall have power to issue
general or special directions as they
may think necessary for the purpose
of giving due effect to the transfer

Transfer of Powers of Municipal

4867

File No. 667 of 193 — General and Revenue

O. Min that the question of amen
the city & Tns Regulation 1933 in
regard to the appointment of
Health Officers & Engineers & Chief Offic
-is on the anvil, it is for cons
-if a section similar to the Section
of the Native Local Boards or the
Draft Public Health 1935 quoted above
may be inserted in the City Mu
Regs 1933 and the Dist Boards Regs 19
and perhaps City prepared accordin
Subj with refce to para 15 supra

for
7/9/36

21 The suggestion at A may
perhaps be approved. JH
8/9/36

Dep: Secy)

22 Time may await the decision on
the main file. MW
15-9-36.

15/9/36

Le

It was decided that the City and Town Municipalities Regulations should be amended so as to give Govt to appoint Health officers, Engineers and chief officers to city and Town Municipalities.-

24 It is therefore for orders whether action may be taken on this file as suggested at A

15/9/36 Papers to be replaced on P.M.S. File

for
1/11/36

Transfers of officials of Municipalities

General & Revenue Secretariat. | MR File No. 4867 - 4862 of 1935. | [App. F. III–2

SECOND MYSORE ASSEMBLY
NOV 1936
No. 33-8-5

Serial No.

15 Submitted for orders. — Rules — Para 15 Supra.
Perm
10/11/36
11/11/36

16 Secy: Secy)

17 Secy: Secy)

13.11.36.
14/11/36

18 Action may be taken — as proposed at A

14/11/36
14.11.36.
16/11/36

19 Section 90 of the Mysore District Boards' Regulation gives power to Govt to issue rules for regulating, among others, the transfers of officers and servants of District Boards and Section 100-A of the Regulation enables Govt to delegate its power to any officer subordinate to it.

20 Similarly Section 29(2) of the Minor Municipalities Regulation gives power to Govt to issue rules and orders for regulating the transfers of the officers and servants of Minor Municipalities and Section 107 of the Regulation enables Govt to delegate its power to any officer subordinate to it.

21 There seems to be therefore no need to amend the Dt Boards' Regulation and

Transfers of officials of Municipalities

3238/36

4867 4867/L

File No. of 1936

General and Revenue Secretariat

the Minor Municipalities Regulation.

3) Two draft bills ~~are~~ one amending the City Municipalities Regulation and the other amending the Town Municipalities Regulation are put up for consideration.

33 In the bill to amend the City Municipalities Regulation provision has been made to enable Govt to delegate its power to any officer subordinate to it while in the bill to amend the Town Municipalities Regulation this is not done as there is already provision in this behalf in Section 206 of the existing Regulation. In the Madras District Municipalities Act (Section 73-A) and in the Madras Local Boards' Act (Section 70-A). Govt can exercise the power of transferring the employees only after consulting the local bodies concerned. Such a restriction need not perhaps be provided for in the City Municipalities & Town Municipalities Regulations.

34 The Law Section may perhaps be consulted.

Submitted

30/11

Asst Secy to Govt

Vide Comptr

Notes, Pages 36 & 37

Amendment to the Coorg Millis Regulation re: Transfers of officials

ME File No. 486/ of 1936

General and Revenue Secretariat

Serial No.

the Mysore District Boards Regulation, and Section 107 of the Minor Municipalities Regulation.

Dept. Secy. / L.S.G. Branch / etc. — BKR 14.12.36

Recd 14/12/36

38 The above suggestions have since been incorporated in the two Rules.

B

39 It is however submitted ~~that~~ the proposed provisos to Section 232 A (1) of the City Municipalities Regulation and to Section 208 A (1) of the Town Municipalities Regulation ~~[illegible]~~ make it obligatory on the part of Govt to consult the local bodies before transfers are effected and that it may be that some transfers will have to be made in special cases without consulting them. As the rules provide for the local bodies being consulted generally, the provisos may perhaps be omitted.

A

40 Submitted for orders.

Rem 24/12 Gold

41 The Supplementary A is for Consideration — B is for perusal & orders. 26/12/36

I agree MMS 9.2.37

Mell 12/2/37 26/12 2 13/2

Dep: Secy)
Ch: Secy)

42 Please speak to me

MMS 17.1.37 2 19/1/37

43 MMS. 6.2.37. 2 6/2/37

44 2nd member)

45 Mell 12/2/37 MMS 9.2.37 2 10/2/37

MMS 12/2/37 2 13/2/37

OFFICE OF THE SECOND MEMBER OF COUNCIL
RECD. 1937
NO. 5755

CHIEF SECRETARY
8. FEB 19
GOVT. OF MYSORE

Serial No.

36 The amendments now proposed are all right; but they give power to Government to transfer the Municipal employees, without consulting the Municipal Councils concerned. It is, however, clear from the Member's minute (para 15 supra) that it is not the intention of the Government that the initiating authority should have power to transfer Municipal officials without consulting the local bodies concerned. It seems therefore necessary to add a proviso to the proposed Section 232 A (1) of the City Municipalities Regulation, and Section 208 A (1) of the Town Municipalities Regulation as follows:

'provided that such power shall be exercised after consulting the local bodies concerned'.

37 It is also a matter for consideration whether instead of the proviso to the proposed Section 232 A (2) of the City Municipalities Regulation, it is not desirable to add a new Section corresponding to Section 206 of the Town Municipalities Regulation which provides that 'the Government may delegate all or any of its powers under this Regulation to any officer subordinate to it' and renumber the new Section as 232 B. I may add that there are analogous provisions in Section 100 A of

WD-C417--GPB—30,000—8-9-36

Amendment to the City & Town Municipalities Regns
re: Transfers of officials of local bodies.

General and Revenue Secretariat — File No. 39 — 487 of 1935 — App. F. III—2

Serial No.	
46	Under Rule (ii) of Schedule B of the Manual of Council Rules, this is a Council matter being an amendment of a Regulation.
47	Submitted for orders. Rmm 18/2
48	This may perhaps be submitted to the Dewan in the first instance and orders issued to the C. B Manager for further action being taken re circulation. 18/2/37
49	Subd. may be disposed of by circulation. 18.2.37 19/2/37
50	Ms 20-2-37
51	(Confidential Branch) 22.2.37

DEWAN'S OFFICE — 19 FEB. 1937 — No. 3387

CHIEF SECRETARY — 18 FEB. 1937 — GOVT. OF MYSORE

Ch: Secy)

Dewan)

Ms 22/2 — 22/2/37

Put up
Please put the
draft Appeal as
instructed before
submitting to Dewan
19/2/37

49(a) Noted
Rmm
18/2/37

Attended to
Jrm
19.2.37.

For Disposal by Circulation. No. C. 210 of

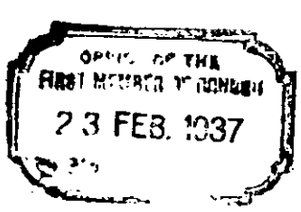
1936-193

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Bill to amend the Mysore City Municipalities and Town Municipalities Regulations so as to facilitate transfers of servants of local bodies.



Circulated to the Members of Council.

By Order,

23rd February 1937

~~Dy~~. *Chief Secretary to Government.*

First Member of Council.

Second Member of Council. (Seen)

Amendments to the City of Town Municipalities Regn re: transfer of officials.

15

General and Revenue Secretariat — File No. 13 4857 L of 1935-36 — [App. F. III—2

Serial No.

55 D. F. N. is submitted for consideration

Rem. JKR 26/2

56 Submd for approval

27/2/37

Dev: Secy)

Secretary

57

1.3.37

1/3/37

58 Has this subject been considered by the Standing Committee for L. S. G. Dte of MSR, if may be referred to that Committee for consideration at the next meeting. The statement of objects and reasons may be amplified by adding briefly to the effect to make it clear that the holders of appointments under local bodies transferable and to the corresponding provisions of the Madras Acts

2/3/37

1.3.37

2/3/37

59 The subject has been included in the provisional list of subjects proposed to be referred to the Standing Committee for L. S. G. etc at the next

we agree with this

OFFICE OF THE SECOND MEMBER OF COUNCIL. 1937 NO. 5907

NOTE—Contn. Sheet.

WD 0417—GPB—80,000—8-9-36

Amendments to the City & Town Police Regn re Transfer of Officials

File No. 4567	of 193	General and Revenue Secretariat

Serial No. 1

A revised statement of general principles is subd as directed above. It will, if approved, be taken as a note to be sent to the members of the Standing Committee.

Please type as revised & put up agn. J 10/3/37

Attended to 10/3/37

To subd with refce to para 58 supra.

JM 9/3/37

Secy) 88 12/3/37

Secretariat

OFFICE OF THE SECOND MEMBER OF COUNCIL. 37 No. 6970

4.4.37 J 5/4/37

61 JM 6/4/37

7.4.37 J 7/4/37

The D.T.W. already put up is for approval (vide paras 55 to 57 supra)

Secy. JM 8/4

63 Please send Copies of note to be sent to members of the Standing Committee for I.G. & then put up J 8/4/37

(Copies of the notes have been sent to the M. Branch for necessary action.

Resubmitted as directed

Secy. JM 9/4

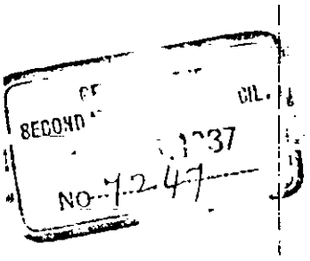
Amendments to the Cr. P. Code

Rules to facilitate transfers of

4867/35 officials / Secret

General and Revenue Secretariat | File No. 91 193 | [App. F. III—2

Serial No.



66 Perhaps a D. F. N. may be put up after the Standing Committee has considered the question. 10/4/37

Secy: Secy)

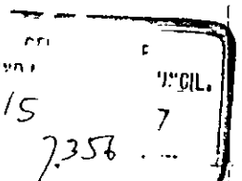
67 Second M^v) 10/4 l 13/4/37

68 [illegible] 16/4 l

10/4 l 14/4/37

69 Subject: The G. H. Branch intimated to this Branch (Letter) that the meeting of the Standing Committee is proposed to come off on 24.4.1937 notes of subject pertaining to this Branch have also been furnished to that Branch. 15/4/37

15/4/37



II member)

To MM 15/4/37

10 15/4 l 16/4/37

NOTE—Contn. Sheet.

WD 6417—GPB—30,000—8-9-36

Amendments to the City & Town Municipalities Regulat

Re: transfer of powers of local bodies

File No. of 193

General and Revenue Secretariat

Serial No.

71 The subject was placed before the meeting of the Standing Committee held on 1st May 1937, the note having been previously circulated. The general opinion of the Standing Committee on the subject is noted below:--

The Standing Committee was of opinion that in the circumstances of the case it is desirable for Government to take power to appoint these officers as proposed.

Rmw 6/5/37

--) Fit for perusal

6/5/37

Sec'y. Leg

73) UO 7/5/37

7/5/37

74 D.F.N already put up is for approval. Ref to para 66 to 68 supra

Rmw 8/5/37

8/5/37

Sec'y. Leg 75) D.F.N. for appl.

Second m') UO 11/5/37

J. N. Signed by Member

CLO 13/5

MW. 12.5.37

LGO 14/5

OFFICE OF THE SECOND MEMBER OF COUNCIL. 1937 No. 8.148

Amendment of the City and Town Municipalities Regulations so as to facilitate transfers of local bodies.

General and Revenue Secretariat | File No. | [App. F. III—2

Serial No.

76)

Typed Submission Note is put up.

Room
14/5

DEWAN'S OFFICE
14 MAY 1937
N. ...5060...

NOTE—Contn. Sheet.

WD 0117—GP

Final Note by the Second Member of Council.

Subject.—

Amendment of the City and Town Municipalities Regulations so as to facilitate the transfer of officials of local bodies.

77) These papers relate to the question of the transfer of officers and servants of local bodies.

78) In Government Order Nos.L.2908-28/M1.172-33-25 dated 23rd October 1935 and L.5997-6017/M1.139-35-11 dated 7th February 1936 and L.811-21/M1.16-35-82 dated 25th July 1936, orders were issued authorising the Deputy Commissioners and the Revenue Commissioner to take the initiative for the transfer of the officials of all local bodies in consultation with the local bodies concerned. But the Bangalore City Municipal Council have resolved that the Government Order of 7th February 1936 authorising the Revenue Commissioner to take the initative to transfer the officials of the City Municipality is against the provisions of the City Municipalities Regulation and encroaches upon the rights and powers of the City Municipal Council.

79) The legal opinion on the question is that there is no provision under which a person entering service under a particular Municipality which is a corporation in the eye of law, can be transferred to another Municipality or District Board, that such a transfer amounts to a change in the contract of employment itself and that unless there is a statutory provision for it, it is incapable of being legally enforced.

80) It was therefore considered necessary to make an enabling provision in the City Municipalities Regulation empowering Government to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board or of any Government Department, and to delegate such power to any officer subordinate to Government. Similar provision was found necessary in regard to the Town Municipalities Regulation also.

81) Draft Bills amending the City and Town Municipalities Regulations so as to secure the above objects have been prepared. They were considered in Council and it was agreed that the proposed amendments as embodied in the Bills might be adopted.

82) In this connection, I beg to submit that similar provisions exist in the Madras District Municipalities Act and the Madras Local Boards Act.

83) The Standing Committee for Local Self Government, etc. to whom the question was referred, is of opinion that, in the circumstances of the case, it is desirable for Government to take power to transfer these officers as proposed.

84) In the above circumstances, I solicit His Highness' gracious approval to the provisions of the draft Bills and to their being placed before the next Sessions of the Representative Assembly and the Legislative Council in June 1937.

N Madhava Rau

MEMBER OF COUNCIL.

Bangalore,
13th May 1937.

Submitted to His Highness.

—•—

53

I submit herewith a Final Note by the Second *Member of Council on the subject of* the amendment of the City and Town Municipalities Regulations so as to facilitate the transfer of officials of Local Bodies *for His Highness' gracious approval.*

M. M. Ismail

Dewan.

37

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of the City and Town Municipalities Regulations.

Order.

KRW

17.5.37

General and Revenue Secretariat.

SUBJECT :— Amendment of the City and Town Municipalities Regulations.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders.* (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

....~~Development~~ Department.

FIRST MEMBER OF COUNCIL.

SECOND MEMBER OF COUNCIL.

Secy. to Govt. Dev. Deptt. with Compliments.

WD 1170—GPB—1,000—24-12-36

Amending the City of [illegible] Municipalities Regulations 45

6647/36

re: transfer of officials of local bodies

General and Revenue Secretariat

Pol File No. 139 4867/35 of 1935. 4867/35 [App. F. III—2

Serial No.	
90	Protection Branch for further action. Two copies each of the statement of general principles and of the two Bills are put up. Room 25/5 [illegible] 25/5 25/5
91	If approved the copies of the statement of general principles may be got typed and sent to R. A. offices. 25/5
	SC. 26/5
92	To R. A. offices with copies of St. of Gl. principles (vide note, page 48 N/S)
	SC. 28/5
	28/5/35
93	3 Copies taken & the file returned. [illegible] 28-5-35
94	This may be sent to A. S-G. A. for putting up a statement of objects & reasons for each of the two Bills.

Amendment of [illegible] Act

4837

File N

2 of 1[illegible].

General and Revenue Secretariat

Serial No.

15) Statement of general principles in respect of the bills to amend the City of the Town Rules Regns 1933 - to go up before the ensuing R. a Session has been published

96) These bills have to go before the ensuing Le. Session. A Statement of Objects & Reasons will have to be published along with the Bills.

97) Otis for orders as to whether the elaborate statement of general principles may be adopted as Statement of Objects & Reasons for both the bills for the R. a. or a shorter form as in Flag A adopted. (vide note of the Protection Branch of 28/5/37)

Flag H

Flag I

1/6/37 98) The shorter form as in Flag A seems to suffice & may be adopted

Sd
1/6/37

Dear Sir,

2.6.37. Sd

To The Protection Branch for favour 99) of necessary further action & kind return of the file for reference during the R. a. Session.

Sd
2/6/37

Amendment of city & Dewan Municipalities Rules. (Transfer of appeals)

General and Revenue Secretariat | File No. of 193 | p. F. III—2

Serial No.

(9) Bills or orders if the Bills and St. of objects & reasons may be published under rule 8 of the Rules for being introduced at the ensuing session of L.C..

See 7.6.37 (10) may be published

DEWAN'S OFFICE
4 JUNE 1937
No. 5521

OFFICE OF THE
4 JUNE 1937

ypng Section or by giving each 4 copies of the two Bills and the St. of Objects & Reasons. a 5/6.

(10) 4 copies with 4 hand copies of the rules & St. of objects & Reasons. (Vide rule page 5 of 5

See 7/6/37 106 Three copies taken & the file put up 7/6/37 to (Prot. Br.) — (vide rule, page 4 of 5

8/6.

DEVL. & REV.

7/6/37

NOTE—Contn. Sheet.

WD/6417—GPB—20,000—8-9-36

Serial No.

(7) The set of general principles of these Bills is to be placed before the evening R.A.

(8) This file may be sent to the L. S. G. Br for reference and submission to the Secy in charge

See 10/6/37 10/6/37 10/6

(9) The general principles of the Bill were placed before the R. A. on the 15th inst and were accepted by them.

(10) As the bill in this behalf will come up before the evening L-c, the file will be transferred to the L-c. Section (Public Br) for reference & further necessary action.

16/6/37. (11) 16/6/37

Public Branch

(12) The following matters may be made

F 241 Bills to amend certain Town Municipalities Rules.

Serial No.

if approved, in respect of each of the Bills

(a) motion that the Bill be read the Second time

moved 2nd member seconded Hon. Secy

(b) motion that the Bill be referred to a Select Committee

moved 2nd member seconded Hon Secy

Submitted for orders

OFFICE OF THE SECOND MEMBER OF COUNCIL. 17 JUNE 1937 NO 9122

OFFICE OF THE SECOND MEMBER OF COUNCIL. 15 JUNE 1937 NO 9201

See 16/6/37 2nd member) 16/6

113) Hon 17/6/37

Vide Minutes page 57 to 62

114) Submitted with a Note 2nd member) 16/6

115) Hon. The personnel of the Select Committee for all the 3 bills may be 25/6/37 Hon

WD 6417--GPB—20,000-8-9-36

City of Rangoon Municipal Bills

File No. D681 19[illegible] General and Revenue Secretariat

Serial No.

116) Send with the report of the Sec as approved by the members thereof approved, copies of the Bill will be sent to the Press for publication.

Sec 25/9. 117) Yes hg 25-9

2 Press copies with copies of the Select Committee report for publication.

Sec 28/9

117) Two copies taken and the file puts up (Prot? B?)

28/9/37 29

118) The Bills were passed in the recent meeting of the L-C.

119) Send with a D.O. for forwarding along the Bills into laws

Sec 27/1/38.

2nd Mem. this Gen Secy

hg 28/1/38

120) 2nd Mem. hg 28-1

121) 2 M. signed by Member 2nd 31/1/38.

hg 31-1

122) Dewan

DEWAN'S OFFICE 31 JAN. 1938 10 85

for making 3 copies of report &c.

Sec

OFFICE OF THE SECRETARY 28 SEPT. 1937 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

SECOND MEMBER IN CHARGE 28 JAN. 1938 No... 5493

GENERAL SECRETARY 28 JAN. 1938

Final Note by the Second Member of Council.

Subject.—

Promulgation into law of the Bills to amend the City and Town Municipalities Acts.

On the 17th May 1937, His Highness the Maharaja was graciously pleased to accord sanction to the amendment of the City and Town Municipalities Acts making provision for the transfer of the officers and servants of these local bodies.

The Bills were introduced in the Legislative Council in June 1937 and referred to a Select Committee. The Bills as amended by the Select Committee were adopted and passed in the recent session of the Legislative Council.

I solicit the gracious sanction of His Highness to promulgate the Bills into Law.

M. Venkata Rama Rau
MEMBER OF COUNCIL

Bangalore,
Dated 29th January 1938.

Bills to amend city of Bombay Municipal Acts.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

if approved, the respective readings of the Bills

(a) motion that the Bill be read in Council

moved and seconded. Dew. See

(b) motion that the Bill be referred to a Select committee

moved and seconded and be ruled for ordering

OFFICE OF THE SECOND MEMBER OF COUNCIL. 17 JUNE 1937 NO 9122

OFFICE OF THE SECOND MEMBER OF COUNCIL. 15 JUNE 1937 NO 9201

See 16/6/37 2nd member) 16/6

113) new 17/6/37

114) Submitted with a note 2nd member) 16/6

115) Secy. The personnel of the Select Committee for all the 3 Bills may be new.

File No. D681/ of 193 — General and Revenue Secretariat

Serial No.

116) Send with the report of the S.C. as approved by the members thereof approved, copies of the report will be sent to the Govt Press for publication.
SE 25/9 117) Secy: to Govt 25-9

2 typing sheets for making 3 copies of the report - Secy

118) 2 D.C. copies with copies of the Select Committee report for publication

SE 28/9 117) two copies taken and the file put up (Prot? B?)

29/9/37 119) Two Bills were passed in the recent meeting of the D.C.
120) Send with a D.O. for proceeding with the Bills into law

SE 27/1/38.

2nd Member this Gen Secy

2nd 28/1/38 Secy

Secy 28-1

127) D.O. signed by Member 2nd 31/1/38.

GCB 29/1/38

Secy 1

DEWAN'S OFFICE
31 JAN 1938

OFFICE OF THE SECRETARY
28 SEPT 1937
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

SECOND MEETING OF THE COUNCIL
28 JAN. 1938
No. 5493

GENERAL SECRETARY
28 JAN. 1938

Submitted to His Highness.

127) *I submit herewith a Final Note by the* Second *Member of Council on the subject of* promulgation into law of the Bills to amend the City and Town Municipalities Acts *for His Highness' gracious* ~~approval~~ sanction.

Mirza M. Ismail
Dewan.

Bangalore,
31st January 1938.)

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Promulgation into Law of the Bills to amend the City and Town Municipalities Acts.

Order.

KRM

3/2/38

SUBJECT :—

Promulgation into Law of the Bills to amend the City and Town Municipalities Acts.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

129

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,
General Department.

5071
4-2-38

138

FIRST MEMBER OF COUNCIL.

4/2

5799
5-2-38

121

SECOND MEMBER OF COUNCIL.

Secy to Govt, Gen. Dept
for info compliments

7.2.38

6/2/38

Acts to amend 1909
Municipalities Act
Transfer of Officer or Servant

General and Revenue Secretariat — File No. 19 of 1937 — [App. F. III]

Serial No.

137) Secy. writes a draft order for publishing the Acts

5/4/38

Gen Secy

137) Given

G.O. No P 4628 G.I. covering the publication of Acts I & II of 1938.

GENERAL
8 FEB. 1938
GAD

TYPING SECTION
9 FE

Bill to amend the Mysore Town Municipalities Regulation, 1933.

WHEREAS it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows:-

After Section 208 of the Regulation, the following shall be inserted, namely:-

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any ~~officials~~ officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926 or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they ~~think~~ think necessary for the purpose of giving due effect to transfers made under sub-section (1).

Bill to amend the Mysore City Municipalities Regulation, 1933.

* * * * *

WHEREAS it is expedient to amend the Mysore City Municipalities Regulation, 1933; it is hereby enacted as follows:-

The following shall be inserted as Sections 232 A and 232 B namely;-

"232 A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of due giving effect to transfers made under sub section (1).

232-B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it.

BILL TO AMEND THE MYSORE TOWN MUNICIPALITIES REGULATION, 1933.

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933 It is hereby enacted as follows:-

After Section 208 of the Regulation, the following shall be inserted, namely

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926 or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

STATEMENT OF ~~GENERAL PRINCIPLES~~

There is no provision at present in the Mysore Town Municipalities Regulation, 1933, ~~as it stands at present~~ for the transfer of employees from one municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one municipality to the service of another municipality or of a District Board or of a Govt. Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency . The new section gives power to Government to transfer the officers and servants of one Municipality to any other Municipality or to a District Board or to a Government Department.

BILL TO AMEND THE MYSORE CITY MUNICIPALITIES REGULATION, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933; it is hereby enacted as follows:-

The following shall be inserted as Sections 232-A and 232-B namely :-

"232 A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards Regulation, 1926 or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub section (1).

232-B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it.

STATEMENT OF ~~GENERAL RULES~~

There is no provision in the Mysore City Municipalities Regulation 1933, as it stands at present, for the transfer of employees from one municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one municipality to the service of any other municipality or of any District Board or of a Government Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency. At present the Revenue Commissioner has been authorised to take action for effecting the transfer of officials of the City Municipalities. The new section gives power to Government to transfer the employees of a municipality and also enables the Government to delegate its power to any officer of Government.

STATEMENT OF GENERAL PRINCIPLES.

One of the resolutions passed at the Local Self Government Conference of 1923 related to the question of effecting of periodical transfers of employees of local bodies with a view to improve the morale of the officials working under the municipalities and the Local Boards. This question was also considered at length at the Dasara Session of the Representative Assembly in 1924. Government accepted the recommendations made at the Local Self Govt and Conference at the R.A. and issued orders in G.O.No.L.6129-6192/Ml.145-24-12 dated 19.2.1925 directing among other things that as a general rule, only officials in Government service be employed by all local bodies for all non-gazetted executive and clerical appointments under them and that transfers should be effected once in three years. The above order was not however given effect to in the case of several local bodies as in most cases, officials had been directly recruited by those bodies with the result that the periodical transfers were not effected as contemplated in the G.O. referred to above and officials were treated as permanent in the ~~staff of the offices recruiting them.~~ establishments to which they have been recruited.

them. Government therefore directed in G.O.No.L.2903-28/Ml.172-33-25 dated 23.10.1935, that the initiative for effecting the periodical transfers of the officials of local bodies should be taken by the Deputy Commissioners of Districts concerned, who should arrange for the transfers of the officials of the local bodies once in three years in consultation with the local bodies concerned.

During the discussions at the L.C. in December 1935, it was pointed out that full effect had not been given effect to to the G.O. of 23.10.1935 as there was no central authority who could take the initiative for the transfers of the officials review the position and effect transfers whenever necessary and the desirability of entrusting the control of this to a single officer was suggested. Government accepted the proposal and issued orders in G.O.No.L.5997-6017/Ml.139-35-11 dated 7.2.1936 directing that the Revenue Commr. shall be the initiative authority in regard to transfers of officials of certain grades in local bodies.

Though transfers are now being effected in accordance with the above orders, it has been contended by the Bangalore City Municipality that the order referred to

referred to above is against the provisions of the City Municipalities Regulation etc., and that the initiative for transfer of municipal officials should be with the municipality. Council

There is at present no provision either in the City or in the Town Municipalities Regulations for the transfer of officials from one Municipality to another or to a District Board or to a Government Department. In the Madras Presidency, however, it is seen that provisions exist in the Madras District Municipalities Act and the Madras Local Boards Act, giving power to the Local Government to transfer the officials of the local bodies.

Government consider that there should be similar enabling provision in the City and Town Municipalities Regulations giving power to Government to transfer the employees of all local bodies in the interests of efficiency or to authorise delegate such power in the case of the City Municipalities to any officer of Government. The proposed new Section is intended to enable the Government to exercise this power.

STATEMENT OF GENERAL PRINCIPLES.

One of the resolutions passed at the Local Self Government Conference of 1923 related to the question of effecting of periodical transfers of employees of local bodies with a view to the improvement of the morale of the officials working under the municipalities and the local boards. This question was also considered at length at the Dasara Session of the Representative Assembly in 1924. Government accepted the recommendations made at the Local Self Government Conference and at the Representative Assembly and issued orders in G.O.No.L.6129-6192/Ml.145-24-12 dated 19th February 1925 directing, among other things, that, as a general rule, only officials in Government service be employed by all local bodies for all non-gazetted executive and clerical appointments under them and that transfers should be effected once in three years. The above order was not however given effect to in the case of several local bodies as, in most cases, officials had been directly recruited by those bodies with the result that the periodical transfers were not effected as contemplated in the Government Order referred to above and officials were treated as permanent in the establishments to which they had been recruited. Government therefore directed in G.O.No.L.2903-28/Ml.172-33-25 dated 23rd October 1935, that the initiative for effecting the periodical transfers of the officials of local bodies should be taken by the Deputy Commissioners of Districts concerned, who should arrange for the transfers of the offi-

officials of the local bodies once in three years in consultation with the local bodies concerned.

During the discussions at the Legislative Council in December 1935, it was pointed out that full effect had not been given effect to the Government Order of 23-10-1935 as there was no central authority who could take the initiative for the transfers of the officials, review the position and effect transfers whenever necessary and the desirablity of emtrusting the control of this to a single officer was suggested. Government accepted the proposal and issued orders in Government Order No.L.5997-6017/Ml.139-35-11 dated 7th February 1936 directing that the Revenue Commissioner shall be the initiating authority in regard to transfers of officials of certain grades in local bodies.

Though transfers are now being effected in accordance with the above orders, it has been contended by the Bangalore City Municipality that the order referred to above is not in consonance with the provisions of the City Municipalities Regulation etc., and that the initiative for the transfer of municipal officials should be with the Municipal Council

There is at present no provision either in the City or in the Town Municipalities Regulations for the transfer of officials from one Municipality to another or to a District Board or to a Government Department. In the Madras Presidency, it is seen that provisions exist in the Madras District Municipalities Act and the Madras Local Boards Act, giving

giving effect power to the Local Government to transfer the officials of the local bodies

Government consider that there should be similar enabling provision in the City and Town Municipalities Regulations giving power to Government to transfer the employees of all local bodies in the interests of efficiency ~~or~~ and to delegate such power in the case of the City Municipalities to any officer of Government. The proposed new Section is intended to enable the Government to exercise this power.

M R Lee

for Secy to Govt

Rural Dev. Deptt

STATEMENT OF GENERAL PRINCIPLES of the Bills to amend the City Municipalities and Town Municipalities Regulations

One of the resolutions passed at the Local Self Government Conference of 1923 related to the question of effecting of periodical transfers of employees of Local bodies with a view to the improvement of the morale of the officials working under the municipalities and the local boards. This question was also considered at length at the Dasara Session of the Representative Assembly in 1924. Government accepted the recommendations made at the Local Self Government Conference and at the Representative Assembly and issued orders in G.O.No.L.6129-6192/M1.145-24-12 dated 19th February 1925 directing, among other things, that, as a general rule, only officials in Government service be employed by all local bodies for all non-gazetted executive and clerical appointments under them and that transfers should be effected once in three years. The above order was not however given effect to in the case of several local bodies as, in most cases, officials had been directly recruited by those bodies with the result that the periodical transfers were not effected as contemplated in the Government Order referred to above and officials were treated as permanent in the establishments to which they had been recruited. Government therefore directed in G.O.No.L.2903-28/M1.172-33-25 dated 23rd October, 1935, that the initiative for effecting the periodical transfers of the officials of local bodies should be taken by the Deputy Commissioners of Districts concerned, who should arrange for the transfers of the officials of the local bodies once in three years in consultation with the local bodies concerned.

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initiative for the transfers of the officials, review the position and effect transfers whenever necessary and the desirability of entrusting the control of this to a single officer was suggested. Government accepted the proposal and issued orders in Government Order No. L.5997-6017/M1.139-35-11 dated 7th February 1936 directing that the Revenue Commissioner shall be the initiating authority in regard to transfers of officials of certain grades in local bodies.

Though transfers are now being effected in accordance with the above orders, it has been contended by the Bangalore City Municipality that the order referred to above is not in consonance with the provisions of the City Municipalities Regulation etc., and that the initiative for the transfer of municipal officials should be with the Municipal Council.

There is at present no provision either in the City or in the Town Municipalities Regulations for the transfer of officials from one Municipality to another or to a District Board or to a Government Department. In the Madras Presidency, it is seen that provisions exist in the Madras District Municipalities Act and the Madras Local Boards Act, giving power to the Local Government to transfer the officials of the local bodies.

Government consider that there should be similar enabling provision in the City and Town Municipalities Regulations giving power to Government to transfer the employees of all local bodies in the interests of efficiency and to delegate such powers in the case of the City Municipalities to any officer of Government. The proposed new Section is intended to enable the Government to exercise this power.

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Bill to amend the Mysore Town Municipalities Regulation, 1933.

* * * * * * *

WHEREAS it is expedient to amend the Mysore Town Municipalities Regulation, 1933; it is hereby enacted as follows:-

After Section 208 of the Regulation, the following shall be inserted, namely:-

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constitute under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section(1).

STATEMENT OF OBJECTS AND REASONS.

There is no provision at present in the Mysore Town Municipalities Regulation, 1933, for the transfer of employees from one municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one municipality to the service of another municipality or of a District Board or of a Govt. Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency. The new section gives power to Government to transfer the officers and servants of one Municipality to any other Municipality or to a District Board or to a Government Department.

Bill to amend the Mysore City Municipalities Regulation, 1933.

* * * * *

WHEREAS it is expedient to amend the Mysore City Municipalities Regulation, 1933; it is hereby enacted as follows:-

The following shall be inserted as sections 232 A and 232 B, namely:-

"232 A (1) Not ithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub section (1)

232-B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it.

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STATEMENT OF OBJECTS AND REASONS.

There is no provision in the Mysore City Municipalities Regulation 1933, as it stands at present, for the transfer of employees from one municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one municipality to the service of any other municipality or of any District Board or of a Government Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency. At present the Revenue Commissioner has been authorised to take action for effecting the transfer of officials of the City Municipalities. The new section gives power to Government to transfer the employees of a municipality and also enables the Government to delegate its power to any officer of Government.

NOTIFICATION.

No. 5503—L. C., dated Bangalore, 7th June 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore City Municipalities Regulation, 1933, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to amend the Mysore City Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933; It is hereby enacted as follows: —

The following shall be inserted as Sections 232A and 232 B, namely:—

"232 A. (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

232B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

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There is no provision in the Mysore City Municipalities Regulation, 1933, as it stands at present, for the transfer of employees from one Municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one Municipality to the service of any other Municipality or of any District Board or of a Government Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency. At present the Revenue Commissioner has been authorised to take action for effecting the transfer of officials of the City Municipalities. The new section gives power to Government to transfer the employees of a Municipality and also enables the Government to delegate its power to any officer of Government.

Bill to amend the Mysore Town Municipalities Regulation, 1933.

. . . . . .

WHEREAS it is expedient to amend the Mysore TOWN MUNICIPALITIES Regulation, 1933; it is hereby enacted as follows:-

After Section 208 of the Regulation, the following shall be inserted, namely:-

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municpality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926 or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section (1).

NOTIFICATION.

No. L. C. 5505—Bangalore, dated 7th June 1937.

Under Rule 86 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Town Municipalities Regulation, 1933, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore Town Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows:—

After Section 208 of the Regulation, the following shall be inserted, namely:—

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section (1)."

STATEMENT OF OBJECTS AND REASONS.

There is no provision at present in the Mysore Town Municipalities Regulation, 1933, for the transfer of employees from one Municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one Municipality to the service of another Municipality or of a District Board or of a Government Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency. The new section gives power to Government to transfer the officers and servants of one Municipality to any other Municipality or to a District Board or to a Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Bill to amend the Mysore Town Municipalities Regulation, 1933.

. . . . . .

WHEREAS it is expedient to amend the Mysore TOWN MUNICIPALITIES Regulation, 1933; it is hereby enacted as follows:-

After Section 208 of the Regulation, the following shall be inserted, namely:-

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municpality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926 or of any Government Department.

(2) The Government shall have power to issue such genera-l or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section (1).

. . . . . .

6. BILL TO AMEND THE MYSORE TOWN MUNICIPALITIES REGULATION, 1933

(a) Motion that the bill published under Rule 8 of the Rules of Business be read in Council.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau): Sir, I beg to move that the bill to amend the Mysore Town Municipalities Regulation, 19 3 published under Rule 8 of the Rules of Business be read in Council.

The object of this bill, as explained in the published statement of objects and reasons, is to ensure the interchangeability of officials working in the several local bodies. This principle was accepted many years ago and has been to a certain extent observed. Latterly however it was noticed that instead of borrowing the services of officials already in Government service, some of the local bodies were,contrary to the instructions conveyed in 1924, recruiting officials independently. This, combined with the existence of varying scales of pay, made it difficult to effect transfers of officials from one local body to another with the readiness which was considered desirable in the interests of efficiency. Orders relating to the periodical transfers of officials from one local body to another were issued, as I stated, as long back as 1925. And in 1935 they were further amplified. In this connection it was brought to the notice of Government that there was some possible doubt as to whether the procedure that had been laid down was fully supported by the provisions of the Town Municipalities Regulation. In order to place the matter beyond doubt, this bill has been framed The general principles of the bill were placed bef

before the Representative Assembly and were accepted by that body. I therefore move that the bill be read in Council.

The SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. L. Venkatanarasappa): Sir, I beg to second the motion.

Mr. P. SUBBARAYA CHETTY: So far as the transfer of officials from Town municipalities is concerned, no doubt it secures efficiency, enables the detection of irregularities and even sometimes misappropriations. So, the measure is most welcome. But I would like to suggest that the Municipal Commissioner or the President, whoever it be, must be consulted before effecting transfers of officials and the concerned Municipal Councils must be consulted before effecting transfers of Gazetted officers. With these observations I support the bill.

Mr. H.V. DASAPPA : I think this measure has been introduced as a result purely of the suggestions of some of the non-officials of both the Houses. But it is difficult for me to support it in the form it has come, because while I consider that the principle of transfer from one town municipality to another is very desirable indeed, I would say that the previous consent of the particular town municipalities that are affected is absolutely necessary, and if the obtaining of that consent is made a condition in the bill I should personally have no objection to the measure. I would refer this House to the way in which the school teachers are transferred from one district school board or one local education authority to another. It has been found in the working of the Elementary Education Regulation that it is very desirable that there should be transfers from rural areas to urban areas on the one hand and district to district on the other. Government have been pleased to issue a circular to the effect that 10% of the officials could be transferred from rural areas to urban areas and also from one local education authority to another. That result is achieved not by any common officer taking upon himself the responsibility of transferring but by a series of mutual exchanges. One local education authority consults another local education authority, or one school board consults another school board, and by means of mutual exchanges we achieve the desired result. That is a very necessary thing, because, as is evident, one central officer will not be aware of the requirements

requirements and needs of these local bodies so much as those who are interested in the local bodies themselves. I think the Government may be pleased to insert the words ~~xxxxxxx~~ to the effect ' with ~~that~~ the consent of the concerned local bodies' in the bill. I believe that is what Mr. Subbarama Chetty was referring. I would give that much qualified support. Otherwise, it will go against the very grain of local self-government in the State. Also, not only it will be open to general objection on the grounds of policy but also it will ~~xxxxxx~~ seriously impede the efficiency of the local bodies concerned. I strongly urge on the attention of Government the necessity to introduce that safeguard so far as town Municipalities are concerned

Mr. G. GIRAJI RAO: I have been on these municipalities for more than a quarter of a century, as an elected member. The municipal authorities were labouring under the difficulty of getting transfer of an officiel from one municip lity to another. References were made several times to the Deputy Commissioner and he could not do anything in the matter on account of ~~this~~ want of legislation on the matter. It is in the interests of the municipalities that their officials are transferred from one place to another without allowing them to put in long service in a particular place. Such transfers are also in the interests of rate-payers. But if the condition " with the consent of the concerned local bodies the officials may be transferred" is put in, it will then become very difficult to get transfers of these officials. Because, they will catch hold of some municipal council members and see that they are not transferred. Such difficulties have arisen many a time in the past. So I think that it is better to pass this bill without that condition.

Mr. K. CHENGALARAYA REDDY: The only point that I raise is whether as a result of this bill District Boards Regulation will have to be also amended ~~effect transfers~~.

Mr. N. [illegible] VA RAU: It has been found on examination that so far as district boards are concerned, the existing provisions are sufficient to cover the practice existing at present. And Government have been advised that there is no need to amend the District Boards Regulation.

Mr. D.C. MALLAPPA: In many of the town municipalities there is no need for Chief Officers.

Mr. J. MAHOMED IMAM: Better to take up all these bills together.

Mr. D.V. GUNDAPPA: This question of transfer of officials of local bodies -- municipalities, district boards and other local bodies -- has often given rise to much conflict between the Government or their agent and the officers responsible for the carrying on of these institutions. Very often the Presidents of Municipalities and district boards have found that their staff has been inefficient and that they have not been getting any co-operation at the hands of Deputy Commissioners and other authorities who have it in their power to give these local self-governing institutions the kind of clerical and other assistance. I think that in a matter like this the arrangement that should be made should be one of an amicable kind. There is no machinery suggested for this in the bill. There is no provision made for consultation. Without such a machinery for previous consultation and amicable settlement, I do not think that this bill will make any improvement in the existing state of affairs. I therefore submit that this bill should be amplified and some machinery suggested in it for the amicable settlement of the questions between the executive of local institutions on one side and the executive of the Government on the other. At the moment I am unable to think of any such provision. But I feel the making

of such a provision cannot be beyond the drafting capacity of the Government. I therefore request the Government to take back this bill and introduce a measure in which there would be a clear indication of the way in which a municipality or a board will be consulted as to the kind of officers they need and as to whether it would be willing to have one of the several names suggested by the Government for consideration. There should be some panel arrangement and it is not provided here. That is a very serious defect.

Mr N. MADHAVA RAU: I think that there is a general agreement that some machinery should be provided for the transfer of officials from the service of one local body to another. And as I said before, this is not a new principle. It has been adopted, and barring occasional lapses it has been followed for quite a long time. The only point now is, ~~whether there is no machinery at present.~~ What is the most suitable machinery. ~~There is a machinery in being.~~ In the case of technical services like those of the Sanitary Department, the Director of Public Health is the co-ordinating authority. He gets the opinions of the various local bodies and effects necessary transfers. In the case of other ~~local bodies~~ such as District Boards and minor and town municipalities, the initiative for taking action is with the Deputy Commissioner. The Deputy Commissioner has to get a list of persons who have been in the same job for a long time, from the various local bodies, assemble them and see what

what transfers could be made from time to time. Of course, it is possible in some cases to effect such transfers in accordance with the wishes of local bodies. But when there is a conflict, the Deputy Commissioner has to make transfers in accordance with what he thinks fit and proper. That has been the system in force now. What is now sought to be done is not to create a new machinery but rather to regularise the existing practice. So there is no need for indicating the machinery in the body of the present bill. According to this bill, Government will have power to frame rules. Another part of the Regulation says that Government can delegate some of their functions to other officers. This power of transfer would naturally be delegated in the case of the Sanitary Inspector to the Director of Health and in the case of other officials either to the Revenue Commissioner ~~in whose department the officials are with higher pay are concerned~~ or to the Deputy Commissioner ~~where in those department officials on lower scales of pay are~~ according to the pay of the officials concerned. The whole machinery has already been functioning. But the question now is only to regularise the existing practice and the existing machinery. There is no question of a new machinery being introduced.

Mr. D.V. GURAPPA: My only doubt was as to ~~whether~~ the obligation being cast upon the Government to consult the municipal or district board executive previous to the effecting of such transfers.

Khan Bahadur MAHOMED ABBAS KHAN: There does not seem to be any need to have any such clause in the bill so long as sub-section (2) gives power to Government to issue such general or special directions as they think it necessar for the purpose of giving due effect to transfe made under this bill.

Mr. L.V. GUNDAPPA: That is not enough.

Mr. N. MADHAVA RAU: Anyhow, in the case of a legislative enactment, it is most unusual to draft any limiting conditions of the sort that Mr. Gundappa has in view. It may be taken for granted that District Officers would make transfers in the best interests of the local bodies. And if there is any case of mis-use of powers, it is always open to the local body to make representation to Government and for the Government to take ~~notice~~ suitable action The question is one of more drafting and it is quite impossible to embody ~~it~~ all this procedure in the bill. As Mr. Abbas Khan pointed out, this is a matter for executive instructions, and the framing of the rules.

Mr. PRESIDENT: The question is:

> " That the Bill to amend the Mysore Town Municipalities Regulation, 1933, published under Rule 8 of the Rules of Business be read in Council ".

The motion was adopted.

(b) Motion that the bill be referred to a select committee.

Mr. M. MADHAVA RAU: Sir, I beg to move that the bill be referred to a select committe consistin of

Mr. B.T. Kesavaiengar,
Mr. M.V. Ramaswami,
Mr. M. Venkatanarayanappa,
Mr. Vidle N. Lakshminarayanappa,
Mr. G. Girimaji Rao,
Mr. J. Mahomed Imam,
Rajacharita Visarada Rao Badur
G. Hayavadana Rao,
Dharmapravartha M.L. Nagappa Setty
and the Mover.

Mr. L. VENKATANARAYANAPPA: Sir, I beg to second the motion.

Mr. PRESIDENT: The question is:

" That the bill to amend the Mysore Town Municipalities Regulation, 1933 be referred to a select committee consisting of the members whose name have been mentioned above."

The motion was adopted.

7. BILL TO AMEND THE MYSORE CITY MUNICIPALITIES REGULATION, 1933.

(a) *Motion that the Bill published under Rule 8 of the Rules of Business be read in Council.*

THE SECOND MEMBER (*Rajamandrapravina* N. MADHAVA RAU).—Sir, I beg to move that the bill to amend the mysore City Municipalities Regulation, 1933, published under Rule 8 of the Rules of Busniess be read in Council. I need not make any more remarks because the principle involved is just the same.

THE SECRETARY TO GOVERNMENT, DEVELOPMENT DEPARTMENT (MR. M. VENKATANARANAPPA).—Sir, I beg to second the motion.

*MR. H. C. DASAPPA.—I rise to oppose this motion for the simple reason that the hon. Mover has not told us the exact necessity for this bill and also has not indicated.....

MR. J. MAHOMED IMAM.—There are two bills, one relating to transfers and the other relating to the appointment of Chief Officers. May I know which bill is under discussion?

MR. N. MADHAVA RAU.—I am speaking of transfers now. We have dealt with the question of transfers relating to town municipalities. This bill relates to the question of transfers in city municipalities.

MR. H. C. DASAPPA.—It will be very confusing if at the same session two bills for amending the same Regulation are brought up independently of each other. It is far more desirable to club them together. If there were two different sessions at least, it would have been better then to bring them separately.

Sir, I oppose this kind of vesting power in some third party with reference to transfers without due regard to the needs and considerations of the respective city municipalities. On no ground could it be presumed that a third party, totally unconnected with the working of a city municipal council, can really have that intimate knowledge of the requirements of the municipal council as those members of council themselves have. I may say, as a matter of general policy with regard to these city municipalities at any rate, you will not find such a power being vested in any other city corporation. This seems to be a most extra-ordinary power that is sought to be taken by Government. That alone is enough to justify the motion being thrown out by this House. There would have been something to be said in justification of this measure if only the Government had embodied in the bill that paramount

consideration which should prevail in the case of all local bodies, namely, the provision for taking the opinion of the particular city municipal council concerned. As I have already said, the working of local self-government would be so much of a meaningless thing if at every stage the Government were to centralise these importnat responsibilities of a city corporation. The hon. member in charge of the bill might say that when we have accepted the principles of the town municipalities bill, why should we quarrel at all about those of the city municipalities bill. But I do submit that the question of city municipalities stands on a different ground from that of the town municipalities. The powers are considerably wider; the responsibilities are larger; and it is here that Government should leave as much of autonomy as possible to the local self-government institutions. My hon. Friend Mr. D. V. Gundappa was saying the other day that he would not like the autonomy of the University of Mysore to be disturbed beyond anything more than was absolutely necessary. But now, in the case of a city municipal council, you are converting it more or less as a department of Government. This bill, read along with the other bill relating to the appointment of chief officers, municipal engineers and health officers, I have no hesitation in saying, would virtually mean converting the city municipal councils into departments of Government. The objection or criticism about the undue interference on the part of Government in the working of these two local bodies has been there for a very long time and has expressed itself in quite an emphatic and in no uncertain manner. When that is the case, to introduce a bill like this without any qualification whatsoever would, I think, be strongly resented by the bodies concerned. I do not think that the provisions of this bill were placed before the municipal bodies for an expression of their opinion. But I know one thing: that in the case of the other bill, the Mysore City Municipal Council has unanimously resolved to protest against its provisions. And this bill with reference to the transfers of officials, is more or less a part of the scheme which covers also the provisions of the other bill; that is the question of appointment and this is the question of transfers. I think the Government would have been well advised if they had sent up this bill to the respective municipalities and obtained their opinions on it. That would have been of considerable help and would have also shown a desire on the part of Government to be responsive to the particular local bodies. If they have not done it, I think this is just the occasion for me

to urge upon their attention to defer the passing of this bill and take the opinions of the city municipal councils concerned. Viewed from any standpoint, whether as a question of policy or as a working principle, this bill is most harmful to the progress of local self-government in the land and would, on the other hand, result in a considerable amount of deterioration of the work in the municipal bodies. We cannot be sure that a person whom an extraneous body sends to a municipal council will at all be efficient or will know the work or in any other manner be of help to the administration of the municipal council. The only body which is competent to decide as to the usefulness of any person would be the local body itself. Therefore I am sorry that the bill, as it stands, cannot have my support.

MR. D. V. GUNDAPPA.—I wish to raise the same objection that I urged in connection with the Town Municipalities Amending Bill, *i.e.*, this bill also gives no indication of any machinery to ensure the prevention of conflicts and the smooth working of the intentions of the bill. The learned mover and Mr. Mahomed Abbas Khan pointed out that it was open to Government to frame the necessary rules under the Regulation later on in regard to those matters. I submit very respectfully that I am averse to handing overt o the executive large powers of making subsidiary legislation in regard to matters of principle. The learned First Member was pleased to say in another connection that it is not usual to provide for such matters of principle in the Regulation itself. But I may tell him that it is no longer so. There has been a revolt in England against handing over to the executive very extraordinary and large powers of subsidiary legislation. Lord Hewart, Lord Chief Justice of England, has written a book titled "New Despotism", which is a condemnation of the system of entrusting to the Executive very large and arbitrary powers in the matter of subsidiary legislation. I do not think it is right for the Legislature to entrust the Executive with arbitrary powers in matters not really of detail as they are described, but of principle, because they affect the rights of local self-government institutions. Of course it is a matter of opinion whether a particular point is a point of detail or of principle. That has been a fruitful source of controversy between the Executive and the popular Legislature of the time. This being so, I should plead that the Government in Mysore should avoid such possibilities of controversy.

That could be obviated by the Government agreeing to embody the general principles, which the executive have to keep in view in framing subsidiary rules, as part of the Regulation itself. I insist that the Regulation itself should embody a statement of the general considerations which should underlie the subsidiary rules to be framed later on by the Executive.

Khan Bahadur MAHOMED ABBAS KHAN.—My hon. Friend Mr. Dasappa seems to have confounded one thing with the other. This bill is intended only to effect transfers of officers and servants from one municipality to another or to any other department. The question of appointment of officers does not come in here. Therefore I do not wish to make any observations in the matter of appointments which form the subject-matter of a separate bill altogether.

MR. H. C. DASAPPA.—It is all part of one scheme.

MR. MAHOMED ABBAS KHAN.—There has been a demand by city municipal councils that transfers must be made interchangeable with the other departments. Otherwise there will be stagnation, because, officers once appointed in their offices will become fixtures. There is absolutely no scope for their promotion or transfer. I may quote the instance of the City Municipality of Bangalore where, on account of the long stay of certain officials, large sums of monies were found to have been misappropriated and the remedy was in the hands of the Revenue Commissioner who effected transfers of some of these officers as the Municipality had no scope to transfer them to any other department. For many years past it is being urged on the attention of Government that transfers must be made in order to improve the efficiency of the working of the municipality. Now, it is nothing but opportune that Government have thought fit to introduce this bill. I do not see any valid reasons for opposing the bill. All that is said is powers may be delegated to any other officer. But there is the central authority to control these transfers. It is nothing but right that there should be this central authority. The working of these municipalities would improve a great deal. It will be in the best interests of these municipalities that Government take power to effect these transfers. With these observations I strongly recommend the introuction of this bill. This measure is long over-due.

*MR. P. SUBBARAMA CHETTY.— Transfers are desirable in the interest of efficiency of the municipal administration. As regards that point, there is no differenec of opinion. Even now, in the case of the two cities, transfers of officers and sanitary inspectors are being made now and then. But what I want is, before effecting transfers a panel of names must be sent to the Municipal Commissioner or the President of the Municipality and his opinion or the opinion of the Municipal Council must be obtained. But there is nothing in the bill to show that transfers will be effected in consultation with the President or the Municipal Commissioner as the case may be. Unfortunately for the last few years there have been unpleasant experiences in several instances. Sometimes no panel of names are being sent by the officers concerned to the Municipal Council before effecting transfers. Sometimes only one name is sent, with a statement: "We cannot spare anybody else; you must take this man only". This has been the unfortunate experience of the Bangalore City Municipality. So far as the tranfers of Health Officers and Engineers are concerned, we have had unfortunately unpleasant experiences with the Government. It is therefore that I insist that transfers must be effected in consultation and with the consent of the respective municipalities. In case provision to that effect is made in the bill, I have no objection to support it.

MR. N. BALAKRISHNAIYA.—It is admitted on all hands that transfers of officials from one department to another is desirable in the interest of efficiency and to avoid stagnation. This would necessitate the formation of a uniform scales of pay in self-governing institutions in a time with other offices. Many a time it happens that an official who is transferred from one department to another will have no lien on the office from which or to which he is transferred, and his position is undefined.

MR. N. MADHAVA RAU.—I do not think that can arise !

MR. N. BALAKRISHNAIYA.—For the purpose of promotion, a seniority list is wanting at present and I dare say that such a list is absolutely necessary in the interests of the officials concerned.

My Friend Mr. Abbas Khan told us that the question of appointment is different from that of transfers. My submission is that so far as the principle involved is concerned, it is the same. This affects the sovereign power of the municipality vested in it under the Statute, and makes the municipality to administer its affairs as an agent of the Government. The hon'ble the Second Member observed that even as it is, transfers are being effected for a long time and it is only to regularise the existing practice that the bill is brought forward. But to my mind it does not appear to be so easy as that, because as it is, it is with the consent and the concurrence of the various bodies concerned that transfers are being effected. This bill is calculated to take the entire power to Government which, in effect, amounts to the withdrawal of the sovereign power vested by the Government in the municipality, in this behalf.

MR. J. MAHOMED IMAM.—On a point of information. What is the sovereign power given to the municipality, please ?

MR. N. BALAKRISHNAIYA.—For the information of my learned Friend I will say what it is. I wanted to deal with this question in a more elaborate manner in connection with the other bill which deals with the question of appointment of Chief Officers. But, as my learned Friend wants the information, I will briefly put it this way. The municipality has two-fold functions to discharge : one is governmental and the other is private. Governmental function is that privilege which is vested in the Municipality by the statute for the enforcement of the sovereign power and the other function is that which the municipality in its private capacity is serving the needs of the people. Now that sovereign power is sought to be taken away by this bill. The municipality will be deprived of its right to transfer or appoint its own officers. If sufficient provision is made as not to encroach upon this governmental or sovereign power, I believe there will be no objection for the transfers of the officials from one municipality to another.

MR. N. MADHAVA RAU.—As I said in connection with the earlier bill, everybody seems to agree that it is necessary to have some machinery by which officials may be transferred from one municipality to another when the need for such transfers arises. But the very word 'transfer' implies that more than one local body is concerned. One single body cannot control transfers for the simple reason that another body has got to consent. In the Madras Presidency also a similar difficulty was experienced and in amending Section 73A of the Madras District Municipalities Act.....

MR. H. C. DASAPPA.—It is District Municipalities Act.

MR. N. MADHAVA RAU.—But the principles governing are the same. Two municipalities cannot merely interchange their officials if the officials do not agree. If an official is to be transferred from one local body to another, two local bodies and two employees have got to consent. I ask whether it is practical politics to deal with transfers on one footing contemplated by the members.

This question of transfers has been, as I said, urged for a long time. Mr. Abbas Khan had brought forward a resolution many years ago and with the full support of the members it was passed in the Representative Assembly in 1924. The resolution was to the following effect :—

'. . . .that the necessary provisionbe made in the proposed amendment to the municipal Regulation for the transfer of municipal employees and officers to other municipalities and ro make all appointments interchangeable with those of Government Departments ''

MR. B. S. PUTTASWAMI.—That was long before the present City Municipalities Regulation was passed.

MR. N. MADHAVA RAU.—Yes. But the Government did not fully implement the resolution which was then unanimously passed. It enlisted also the support of Mr. D. S. Mallappa who said that an arrangement on provincial basis is very important and he added that the power of appointment must be left to the Central Recruitment Board. I do not see where the sovereign power of the municipality comes in if the power of appointment is to be left to the Central Recruitment Board.

MR. D. S. MALLAPPA.—I never said that it should not be done without the consent of the municipalities.

MR. N. MADHAVA RAU.—Then, there is a third body !

MR. H. C. DASAPPA.—The Central Recruitment Board would be something like functioning as a Staff Selection Board.

MR. N. MADHAVA RAU.—I only referred to a statement which finds place in the proceedings of the Representative Assembly in October 1924. If we want these transfers, we must accept the consequences and must make some arrangement. To make them possible, I would like to assure this House that so far as the city municipalities are concerned, any action that has been taken has invariably been upon the initiative

of the officers concerned. I myself remember that, as President of the Mysore City Municipality, I found it necessary to have certain officials transferred away from the Municipality. Of course we carried on long correspondence with other local bodies and at the end of it we found nothing could be done. Because it was not easy for three or four local bodies and two or three heads of Departments to come to an agreement, we have got to arrange that somebody is placed in a position. The municipalities may be consulted and their views taken into consideration. But to suggest that the consent of the whole of the municipal council should be obtained is ....

MR. H. C. DASAPPA.—The municipal council has delegated a number of its functions to the Commissioner or the President. So also even this power of effecting transfers may be delegated by the municipal council to the President in respect of transfers of officials below a certain rank and to the Commissioner or the chief Executive Officer above a certain rank.

MR. N. MADHAVA RAU.—But, what I say is that practically the same result is achieved by the amendment that I have placed before the House. There is nothing to prevent consultation. And as a matter of fact, it is not to be expected that either the Director of Health or the Revenue Commissioner would make transfers against the wishes of the Municipal Commissioner or the President.

MR. P. SUBBARAMA CHETTY.—But there are instances in which such transfers have been effected.

MR. N. MADHAVA RAU.—I do not know them. I am sure that where the President or the Commissioner is overruled without sufficient reasons, he is certain to bring the matter to the notice of the Government.

MR. P. SUBBARAMA CHETTY.—What about the cases of Dr. Dominick and of Dr. Parthasarathi ?

MR. N. MADHAVA RAU.—On that I shall have to say something more when the next bill is moved. But meanwhile, what I say is, it is not the object of Government to ignore the wishes of the municipal councils. On the other hand it is the intention to implement the wishes expressed in this House and in the Representative Assembly for years together that the employees of local bodies should be transferable. Some

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of us have personally realised, in ou. experience, how difficult it is to effect transfers. There must be somebody at the top to ~~suggest to~~ consider conflicting views and take a decision. Until the power is vested in somebody, the whole arrangement will become unworkable. It is only for that purpose the bill is placed before the House. I may assure the Members that there is no intention of ignoring the wishes of the municipal executive on questions of transfers.

MR. P. SUBBARAMA CHETTY.—Even as regards transfers, certain period must be fixed. Mr. B. T. Kesaviengar was the Commissioner and he was transferred after 7 months and he was not allowed to continue for one year, even. On that account the work suffered and that is why, some of us insist that transfers should be only with the consent of the minicipal executive.

MR. N. MADHAVA RAU.—That will be dealt with under the general or special directions that would be issued. In a bill like this it is impossible to lay down all the detailed rules to be observed in every case of appointment or transfer. We might go into that question in the select committee.

MR. PRESIDENT.—The question is :

"That the Bill to amend the Mysore City Municipalities Regulation, 1933, published under Rule 8 of the Rules of Business be read in council "

The motion was adopted.

(*b*) *Motion that the bill be referred to a select committee.*

MR. N. MADHAVA RAU.—Sir, I beg to move that the bill be referred to a select committee composed of :—

Mr. B. T. Kesavaiengar,
,, H. V. Ramaswami,
,, Mirle N. Lakshminaranappa,
,, P. Subbarama Chetty,
,, H. C. Dasappa,
Khan Bahadur Mahomed Abbas Khan,
Mr. D. V. Gundappa, and the Mover.

MR. M. VENKATANARANAPPA.—Sir, I beg to second the motion.

MR. PRESIDENT.—The question is :

"That the Bill to amend the Mysore City Municipalities Regulation, 1933, be referred to a select committee composed of members whose names have been mentioned above ."

The motion was adopted.

Report of the Select Committee on the Bi
to amend the Mysore Tow[illegible]ipalit
Regulation, 1933.

We, the undersigned Members of the Sele Committee to which the Bill to amend the My Town Municipalities Regulation, 1933, was referred, have considered the Bill and have now the honour to submit this our Report.

We consider that no changes are necessary ~~except substituting the words ' it thinks ' for the words ' they think~~ in ~~clause~~ subsection (2) ~~of Section 208 A~~ .

3. As the only change recommended is ~~only~~ verbal, the Bill need not be republished.

NOTIFICATION.

No. L. C. 5505—Bangalore, dated 7th June 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Town Municipalities Regulation, 1933, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore Town Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore Town Municipalities Regulation, 1933; It is hereby enacted as follows:—

After Section 208 of the Regulation, the following shall be inserted, namely:—

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section (1)."

STATEMENT OF OBJECTS AND REASONS.

There is no provision at present in the Mysore Town Municipalities Regulation, 1933, for the transfer of employees from one Municipality to another. Government consider that there should be provision for the transfer of the officers and servants of one Municipality to the service of another Municipality or of a District Board or of a Government Department. Such a provision will prevent stagnation of employees in one place and the consequent loss in efficiency. The new section gives power to Government to transfer the officers and servants of one Municipality to any other Municipality or to a District Board or to a Government Department.

Printed by the Superintendent at the Government Press, Bangalore.

Bill to amend the Mysore City Municipalities Regulation, 1933.

* * * * * *

WHEREAS it is expedient to amend the Mysore City Municipalities Regulation, 1933; it is hereby enacted as follows:-

The following shall be inserted as Sections 232A and 232B namely:-

232A (1) Notwithstanding a anything contained in thi: Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions a-s they may think necessary for the purpose of giving due effect to transfers made under subsection (1).

232-b. The Government may delegate all or any of its powers under t his Regula tion to any officer subordinate to it.

We, the Members of the Select Committee appointed to consider the Bill to amend the Mysore City Municipalities Regulation, 1933, have considered the Bill and have now the honor to submit this our Report:

We have no alterations to Recommend. But we would suggest that in giving direction under sub-clause (2) of Sec 232-A it ~~may be provided~~ ~~that~~ ~~opportunities~~ ~~of~~ ~~previous~~ ~~Consultation~~ ~~be provided for~~ ~~afforded~~ ~~with the municipal~~ authorities concerned

We, the Members of the Select Committee appointed to consider the Bill to amend the Mysore City Municipalities Regulation, 1933, have considered the Bill and have now the honor to submit this our Report:

We have no alterations to recommend. But we would suggest that in giving directions under sub-clause (2) of Sec.232.A ~~that~~ opportunities may be provided for previous consultation with the Municipal authorities concerned.

K. Gundappa
12.10.1937

Sd. Mirle Lakshminaranappa
Sd. Mohamed Abbas Khan.
Sd. B.T. Kesavaiengar.
Sd. H.V. Ramaswami.
Sd. M. Venkatanaranappa.
Sd. H.C. Dasappa.
Sd. P. Subbarama Chetty.
Sd D. V. Gundappa.
Sd N. Madhava Rao

Bill to amend the Mysore Town Municipalities Regulation, 1933.

. . . . . .

WHEREAS it is expedient to amend the Mysore TOWN MUNICIPALITIES Regulation, 1933; it is hereby enacted as follows:-

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(2) The Government shall have power to issue such general or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section (1).

. . . . . .

NOTIFICATION.

No. 5503—L. C., dated Bangalore, 7th June 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore City Municipalities Regulation, 1933, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Bill to amend the Mysore City Municipalities Regulation, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Regulation, 1933; It is hereby enacted as follows:—

The following shall be inserted as Sections 232A and 232 B, namely:—

"232 A. (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

232B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Bill to amend the Mysore City Municipalities Regulation, 1933.

* * * * * *

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The following shall be inserted as Sections 232A and 232B namely:-

232A (1) Notwithstanding a anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under subsection (1).

232-b. The Government may delegate all or any of its powers under t his Regula tion to any officer subordinate to it.

Report of the Select Committee on the Bill to amend the Mysore Town Municipalities Regulation, 1933.

We, the undersigned members of the Select Committee to which the Bill to amend the Mysore Town Municipalities Regulation, 1933, was referred, have considered the Bill and have now the honour to submit this our Report.

2. We consider that no changes are necessary.

3. As the only change recommended is verbal, the bill need not be republished.

Sd./- B.T. Keaviengar

" H.V. Ramaswamy

" M. Venkatanaranappa

"Mirle N. Lakshminaranappa

" G. Girimaji Rao

" J. Mohammed Imam

" M.D. Nagappa Setty

" N. Madhava Rao (Chairman).

Mr. C. Hayavadana Rao was unable to be present at the meeting.

[*N.B.*—Portions deloted by the Select Committee are enclosed in square brackets and those added are printed in italics.]

Bill to amend the Mysore Town Municipalities Act, 1933.

(As amended by the Select Committee.)

Whereas it is expedient to amend the Mysore Town Municipalities Act, 1933; It is hereby enacted as follows:—

After Section 208 of the Act, the following shall be inserted, namely:—

"208-A (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as ~~[they]~~ *it thinks* necessary for the purpose of giving due effect to transfers made under sub-section (1)."

[*N.B.*—Portions deleted by the Select Committee are enclosed in square brackets and those added are printed in italics.]

Bill to amend the Mysore City Municipalities Act, 1933.

(*As amended by the Select Committee.*)

Whereas it is expedient to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

The following shall be inserted as Sections 232-A and 232-B, namely.—

"232-A. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as ~~[they]~~ *it* may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

232-B. The Government may delegate all or any of its powers under this Act to any officer subordinate to it."

Bill to amend the Mysore Town Municipalities Regulation, 1933.

. . . . . .

WHEREAS it is expedient to amend the Mysore TOWN MUNICIPALITIES Regulation, 1933; it is hereby enacted as follows:-

After Section 208 of the Regulation, the following shall be inserted, namely:-

"208-A (1) Notwithstanding anything contained in this Regulation, the Government shall have power to transfer any officer or servant of a municpality to the service of any other municipality or of any District Board constituted under the Mysore District Boards' Regulation, 1926 or of any Government Department.

(2) The Government shall have power to issue such general or special directions as they think necessary for the purpose of giving due effect to transfers made under sub-section (1).

City Municipal Office,

No.C-1719/34-35. *Bangalore, dated* 20th April, 1936.

4867

From

M. SESHADRI, ESQ., M.A.,
Municipal Commissioner,
Bangalore City.

CHIEF SECRETARY. Rec'd 23 APR 1936

To

A.V.Ramanathan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalor

3-35-28

Sir,

I have the honour to state that G.O.No.L.5907-6017/Ml. 139-35-11 dated 7th February 1936 modifying Order No.L.2908-28/Ml. 172-33-25 dated 23rd October 1935 and stating that the Revenue Commissioner shall be the initiating authority in regard to transfers of certain officials of the District Boards and City Municipalities, was placed before the Municipal Council at its meeting held on 14th March 1936 and it was resolved that the initiative for transfer of Municipal officials should be with the Municipality and that the order quoted above is against the provisions of the Regulation and that it encroaches on the rights of the Municipality, and hence that the order be not made applicable to this City Municipality.

I am forwarding a copy of the resolution for the orders of Government.

I have the honour to be,
Sir,
Your most obedient servant,

M Seshadri
Municipal Commissioner.

Forwarded with compliments.

Honorary President.

M.M)

Proceedings of the Ordinary General Meeting of the City Municipal Council, Bangalore, held on Saturday the 14th March 1936 at 12 noon in the Council Chamber of the City Municipal Office, Bangalore.

Present.

Rao Bahadur, M. A. Garudachar.

Honorary President.

Councillors:-

1. Mr. ...
2. Mr. V. Venkatasubbiah.
3. Mr. ... Muniswamy Gowda.
4. Mr. ...
5. Mr. V. Chikkaswamy Setty.
6. Mr. K.S. Ramaswamy Iyengar.
7. Mr. ... Ramaiah Pillai.
8. Mr. ... Chikkarangappa Setty.
9. Mr. ... Venkatappa.
10. Mr. ... Venkatarangaiya.
11. Mr. ... Subbaraya Chetty.
12. Mr. ... Chikkaiah.
13. Mr. ... Krishnaswamy Mudaliar.
14. Mr. ... Ramaiah.
15. Mr. ... Narasinga Rao.
16. Mr. ... Gurumurthy.
17. Mr. ... Ramachandra Rao.
18. Mr. ... Muthuswamy.
19. Mr. ... Narasimha Murthy Gowda.
20. Mr. ... Ramaswamy Chetty.
21. Mr. ... Subbaiah.
22. Mr. ... Venkatarangaiya.
23. Mr. ... Ramaiah.
24. Mr. ... Krishnaiah.
25. Mr. ... Venkatarangaiya.
26. Mr. ... Ramaiah.
27. Mr. ... Ramaiah.

Absent.

1) Mr.
2. Mr. ... Subbaraya Setty and ... Nanjundaiah.

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3. Government Order No.L 5997-6017/Ml. 139-35-11 dated 7th February 1936 modifying Order No.L 2908-28/Ml. 172-33-25 dated 23rd October 1935 and stating that the Revenue Commissioner shall be the initiating authority in regard to transfers of the following officials:-

(1) Head Clerks of District Boards.
(2) District Board Officials on Rs.60-4-80
(3) District Board Officials on lower pay, when their transfer is out of the District; and
(4) Officials of the City Municipalities.

Resolution:- Mr. C.N.Narasinga Rao said that the Government Order encroached upon the rights and powers of the Municipal Council in the matter of appointments, transfers etc., and that under Section 60, the Council was empowered to make the appoint-

appointments themselves with the approval of Government. He moved the following resolution:-

" This Council is of opinion that the initiative for transfer of Municipal officials should be with the Municipality, who will be in a position to know the efficiency or otherwise of its officials. That this order further is against the provisions of the Municipal Regulation and encroaches on the rights of the Municipality. This Council therefore urges that the order may not be made applicable to the City Municipalities."

This was seconded by Mr. S.Sitharamiah and supported by Messrs. S.N.M. Razvi and W.H.Hanumanthappa.

Put to vote and carried unanimously.

Sd. B.K.Garudachar.
Honorary President.

" Copy "

Municipal Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. P4628 Leg-9-37-1
Secrete.

Dated, Bangalore, 9.2.1938

Ordered that the accompanying Act to amend the Mysore City Municipal Act, 1933 and the Mysore Town Municipalities Act, 1933

which received the assent of His Highness the Maharaja, on the third day of February 1938, be published as ~~Regulation~~ Act No. I of No. II of 1938, in the *Mysore Gazette* for general information

Secretary to Government
~~Local and Legislative Departments~~

8.2

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of ——— spare copies in English and ——— Kannada ~~to this office~~, as per standing orders.

ACT III OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February* 1938.)

An Act to amend the Mysore Town Municipalities Act, 1933.

Whereas it is expedient to amend the Mysore Town Municipalities Act, 1933; It is hereby enacted as follows:—

After section 208 of the Act, the following shall be inserted, namely:—

'208-A (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under sub-section (1)."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 4628—Legis. 19-37-1, dated Bangalore, 9th February 1938.

Ordered that the accompanying Acts to amend the Mysore City Municipalities Act, 1933 and the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja on the third day of February 1938, be published as Acts. No. I and No. II of 1938, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT I OF 1938.

(*Received the assent of His Highness the Maharaja on the third day of February* 1938).

An Act to amend the Mysore City Municipalities Act, 1933.

Whereas it is expedient to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

The following shall be inserted as sections 232-A and 232-B, namely:—

"232-A. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

232-B. The Government may delegate all or any of its powers under this Act to any officer subordinate to it."

MIRZA M. ISMAIL,
Dewan.